

***(h) Monitoring and Enforcement***

- (1) *Monitoring of Rental AHUs:* AHUs shall be subject to an AHR that contains limitations on use, occupancy, resale and rents, and provides for periodic monitoring to verify compliance with and enforce said restriction. Developers/owners of rental developments which include rental AHUs must submit to the City of Chelsea Department of Planning and Development and the AFHTFB an annual statement of rent level, rental income, and verification of tenant income. The annual report shall state any changes in income of tenants in AHUs, proposed changes in rent levels or proposed changes in designation of specific units.
- (2) *Monitoring of For Sale AHUs:* Upon conveyance or resale, for sale AHUs shall be monitored by the City, DHCD, or a qualified third party for compliance with the AHR's resale provisions.
- (3) *Loss of Eligibility Status:* Nothing in this section shall be construed to permit eviction of a Qualified Purchaser or Qualified Tenant of an AHU due to loss of his/her eligibility status during the time of ownership or term of lease or rental.
- (4) *Transfer of AHU:* The restrictions governing an AHU shall be enforced upon resale, re-rental, and/or renewal of lease of the AHU. For owner-occupied units, the use restriction shall ensure that units may only be resold to Qualified Income-Eligible Household who are Qualified Purchasers or Qualified Renters consistent with the then applicable income limits established by HUD, or successor, and/or the DHCD, or successor.
- (5) *All Restrictions Remain in Effect:* Nothing in this Ordinance shall be construed to permit any Deed Rider, covenant, agreement, and/or other mechanism restricting such items as the use and occupancy, rent level, and resale price of AHUs, and the enforcement thereof to expire prior to any maximum limitations set forth by applicable state law. It is intended that the restrictions required herein shall survive, to the limit allowed by law, including, but not limited to, bankruptcy and foreclosure.
- (6) *Timing of commitments:* All contractual agreements required hereunder and any documents necessary to ensure compliance with this section shall be approved as to content by the City of Chelsea Department of Planning and Development and City of Chelsea Solicitor prior to the issuance of any occupancy permit for newly constructed, redeveloped, rehabilitated, and/or rental units.
- (7) *Approval of Form and Content of Legal Documents:* The petitioner shall be responsible for preparing any documentation required by DHCD in order to secure LIP approval of the AHU and ensure their eligibility for the DHCD SHI. Furthermore, the petitioners shall prepare all AHR and/or legal instruments required to comply with this Section, and such documents shall be in a form satisfactory to the City of Chelsea Solicitor. The petitioner shall reimburse the City for reasonable legal expenses incurred by the City of Chelsea Solicitor in reviewing or revising said deed and legal instruments.
- (8) *Recording of Restrictions:* The special permit decision, if applicable, and all restrictive covenants required under said special permit or this Section shall be recorded at the Suffolk

County Registry of Deeds or filed with the Registry District of the Land Court, as applicable, prior to the issuance of any building permit for the development.

*(i) Needs Assessment Review*

The City of Chelsea Department of Planning and Development, in cooperation with the AHTFB, the DHCD, and relevant agencies, shall undertake an economic and housing market needs assessment not less than every fifth calendar year from the date of enactment of this Section. The purposes of said assessment shall be to assess the performance of the provisions herein in terms of resultant AHUs, to assess any need for improved rules and regulations regarding implementation, and to ascertain the need for revision of any provisions of this Section relative to the provision of AHUs in the City. Provisions subject to review shall include, at minimum: revisions to applicability requirements of this Section, revisions to percentage requirements of AHUs in inclusionary housing developments, revisions to income and affordability guidelines, and revisions to methodologies for monetary payments or other in lieu of means of compliance with provision of on-site units.

Upon completing its assessment the City of Chelsea Department of Planning and Development, in cooperation with the AHTFB and other City Boards or Departments, shall recommend to the City Council any amendments to this Ordinance deemed necessary to improve the means of providing AHUs in the City.

SECTION 11

That Chapter 34, Article V General and Supplemental Regulations be amended by adding a new Section 34-111 Community Improvement Trust Fund which shall read as follows:

**(A) The Community Improvement Trust Fund.**

In any case where the Zoning Board of Appeals, with the exclusion of single and two-family dwellings, grants a special permit or variance resulting in an increase in intensity of use, the ZBA shall require the applicant to make a payment into a Community Improvement Trust Fund only for that portion of the new structure or structures which: (1) extend into the area of required open space from which the developer received relief; or (2) exceed the number of units, the FAR, the height, or the maximum building coverage allowed by right within the district in which they are located. Payments shall be made to the Community Improvement Trust Fund in two equal installments in a sum equal to three percent of the total construction cost beyond what percent of construction is allowed by right. The first installment shall be made prior to the granting of any foundation or building permit, and the second installment shall be made prior to issuance of any temporary or permanent occupancy permit. The construction costs shall be determined by the Department of Planning and Development. In determining the construction costs, the Department of Planning and Development shall use median square foot construction costs in the Boston metropolitan area as defined by any generally accepted construction cost estimating publication.

**(B) Administration of the Fund.**

The Community Improvement Trust Fund shall be established in the City Treasurer and shall be kept separate and apart from other moneys. Any moneys deposited in said fund shall be expended only at the direction of the City Manager as approved by the City Council for the purposes mentioned below. The City Treasurer shall be the custodian of the fund and may deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of saving banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. Any interest earned thereon shall be credited to and become part of such Fund. The Fund shall be administered by the Department of Planning and Development.

**(C) Expenditure of Funds.**

Any moneys in the Fund may be expended only by a majority vote of the entire membership of the City Council and shall be appropriated only for the following purposes: infrastructure and public facilities directly impacted by the project which are included in the City of Chelsea's Capital Improvement Plan; traffic signalization improvements; sewer, water and drainage improvements; recreation and open space areas and the support of athletic programs; fire protection facilities and equipment; crime prevention facilities and equipment; school buildings and educational programs; and library improvements. Community Improvement Trust Funds may also be appropriated to support affordable housing initiatives and economic development activities in accordance with any of the City of Chelsea's housing and/or economic development plan. No moneys in this Fund shall be used for any purposes not included or directly related to the purposes listed above.

Section 12

That Chapter 34, Section 181 Interim Planning Overlay District (IPOD) be amended by adding a new subsection (e) Naval Hospital Interim Planning Overlay District (NHIPOD) which shall read as follows:

*(e) Naval Hospital Interim Planning Overlay District (NHIPOD)*

*(1) Scope and declaration of need for interim zoning.*

- a. This subsection (e) applies to the Naval Hospital Interim Planning Overlay District (NHIPOD).
- b. Interim zoning is necessary to establish guidelines that will maintain a proper balance of open space, commercial development, and residential development within the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts. This interim zoning is intended to continue to address the following, all are taken into greater account in future land use decisions in the NHIPOD pending further rezoning:
  1. Recent and dramatic changes in local and regional economic growth pressures and ensure that visual and traffic impacts on neighborhoods are managed;

2. The intent of the city's residents not to be subject to poorly planned large-scale development;
  3. The intent of the city's residents to have reasonable open space resources;
  4. The need to preserve and protect the city's natural resources;
  5. The need to encourage an economically sound mix of commercial and residential uses; and
  6. The need to ensure compatibility and consistency with surrounding land uses.
- c. The existing underlying Naval Hospital Residential (NHR) zoning was created for the purpose to redevelop a portion of the former naval hospital site for residential purposes. The existing underlying Naval Hospital Commercial (NHC) zoning was created for the purpose to redevelop a portion of the formal naval hospital site for office uses, recreational uses, and related purposes.
- d. The NHR and NHC districts have undergone significant large scale development since their inception in an unplanned manner on a significant amount of space in both districts. The purpose of NHIPOD is to develop guidelines that help aid in the siting of future large scale development so as to not encroach on existing development and open space.

*(2) Physical boundaries.* The NHIPOD shall be comprised of the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts.

*(3) Applicability.* Unless otherwise exempt pursuant to this subsection, no permit to use, alter, construct, reconstruct or expand any buildings, structures or land within the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts shall be issued by the building inspector. Proposed projects for which the zoning board of appeals has granted approval prior to the adoption of the NHIPOD shall be exempt from such requirements. The following uses and projects shall also be exempt and instead shall be subject to the underlying zoning, as amended from time to time:

- a. Any proposed project for which application to the building inspector for a building or use permit has been made prior to the first notice of public hearing for adoption of these amendments and for which no zoning relief is required provided such permit is exercised within six months and construction proceeds continuously to completion; and
- b. Any proposed project for which petition for zoning relief has been made prior to the first notice of public hearing for adoption of this amendment, provided that such zoning relief is granted thereafter pursuant to such application and is exercised within six months and construction proceeds continuously to completion.

(4) *Zoning regulations in effect; conflict provisions.* In the event of a conflict between the NHIPOD and the underlying zoning, the NHIPOD shall govern. Upon expiration of this NHIPOD, the existing underlying zoning, as amended through the expiration date and including such zoning districts as remain in effect, shall be the sole set of zoning regulations for the NHIPOD.

(5) *Interim use controls, design review guidelines, dimensional regulations.*

*a. Underlying uses.*

1. Article XIII Table of Principle Use Regulations shall remain unchanged for the Naval Hospital Residential (NHR) and Naval Hospital Commercial (NHC) zoning districts.

*b. Design review, dimensional regulations, permitted uses.*

1. All uses, including underlying uses, permitted subject to site plan approval in accordance with section 34-215, and/or permitted on a special permit in accordance with section 34-214, and/or change in use in accordance with section 34-51 shall comply with design review guidelines set forth in section 34-155(i), as applicable.

(6) *Enforcement.* The building inspector shall not issue any building permit or change of use permit for a proposed project subject to this subsection (e), unless the proposed project is in accordance with this subsection (e) and with the performance standards of section 34-110.

(7) *Subsequent amendments.* While in effect, this subsection (or portions of this subsection) may be repealed or superseded by subsequent amendments to either this subsection or to the underlying zoning.

(f) *Timetables for NHIPOD and related rezoning.* A comprehensive rezoning of the NHIPOD shall be completed within the following timetable, unless extended by the city manager:

(1) Mapping of existing uses, ownership and zoning, and the identification of uses will be completed within six months of the enactment of the NHIPOD.

(2) Establishment of rezoning land use objectives, desired densities and uses for the NHIPOD study will be completed within nine months following enactment of the NHIPOD.

(3) The hearing on any proposed zoning changes will be completed within 18 months from the enactment of the NHIPOD.

(4) The NHIPOD shall be automatically dissolved 24 months after the enactment of the NHIPOD.

## SECTION 13

That Chapter 34, Article VI Regulations for Specific Uses, be amended by adding a new Section 34-136 Food Trucks which shall read as follows:

### **Sec. 34-136. Food Trucks**

*(a) Purpose and Intent.* The purpose of this Section is to allow for food trucks to operate in certain areas in the City of Chelsea to complement the City's food service industry and provide eating alternatives for persons working and living in the City of Chelsea.

*(b) Definition.* *Food Truck* means a motorized vehicle, other than a motor assisted bicycle or motorcycle, from which refreshments are cooked, carried, or offered for sale for consumption to the general public but does not mean trailers, push cars or non-motorized vehicles propelled by muscular power. This definition shall not include trucks that predominately sell ice cream to children.

*(c) Areas of Operation.* No person shall operate a Food Truck except in the following zoning districts: the Retail Business (BR), Business (B), the Highway Business (BH), the Industrial (I), and the Waterfront (W) zoning districts.

*(d) Limitation on Areas of Operation.* No person shall operate a Food Truck:

- i. Within 100 feet of a restaurant;
- ii. Within 300 feet of any elementary or secondary school;
- iii. On private property without the written consent of the property owner.
- iv. In a municipal park without the written consent of the Director of Public Works.

*(e) General Regulations.*

- i. Each Food Truck must obtain a License to operate issued by the Board of Health.
- ii. No person shall operate a Food Truck except during the hours of 8:00 a.m. and 8:00 p.m.
- iii. Each owner of a Food Truck shall maintain a logbook setting the location and duration of all stops.
- iv. A Food Truck shall not exceed: 2.6 meters in width (8.5 feet); 13.5 meters in length (44 Feet); or, 4,500 kilograms (9,920 pounds).
- v. A Food Truck may be allowed signage on the truck provided that no sign shall project from the truck and there shall be no free standing signs adjacent to the truck.
- vi. A Food Truck shall not emit exterior lighting in a manner so as to shine on adjacent properties or toward any street.

*(f) Special Events:* Provided the Food Truck is properly licensed, the Director of Inspectional Services may approve the operation of a Food Truck for Special Events in areas not otherwise

zoned for such use, provided that the Food Truck operator submits written proof of an invitation to operate such Food Truck at the Special Event from the Special Event organizer.

*(g) Parking Requirements.*

- i. Food Trucks shall not park overnight on public property or private lands after operating hours except on land owned, leased or rented by the operator for the storage of the vehicle in compliance with the City’s Zoning By-Law.
- ii. Food Trucks shall be exempt from hourly parking time limits on public property provided they are parked in legal parking spaces; actually engaged in the operation of the Food Truck business, and otherwise in compliance with this Section.
- iii. Food Trucks shall pull over to the side of the public right-of-way as far as practicable when stopping for the purpose of selling. In no event shall any Food Truck stop for the purpose of selling if such a stop prevents the passage of other motor vehicles on the public right-of-way.

SECTION 14

That Chapter 34, Article VIII Special Districts, Section 34-180 Airport Related Overlay District (AROD):

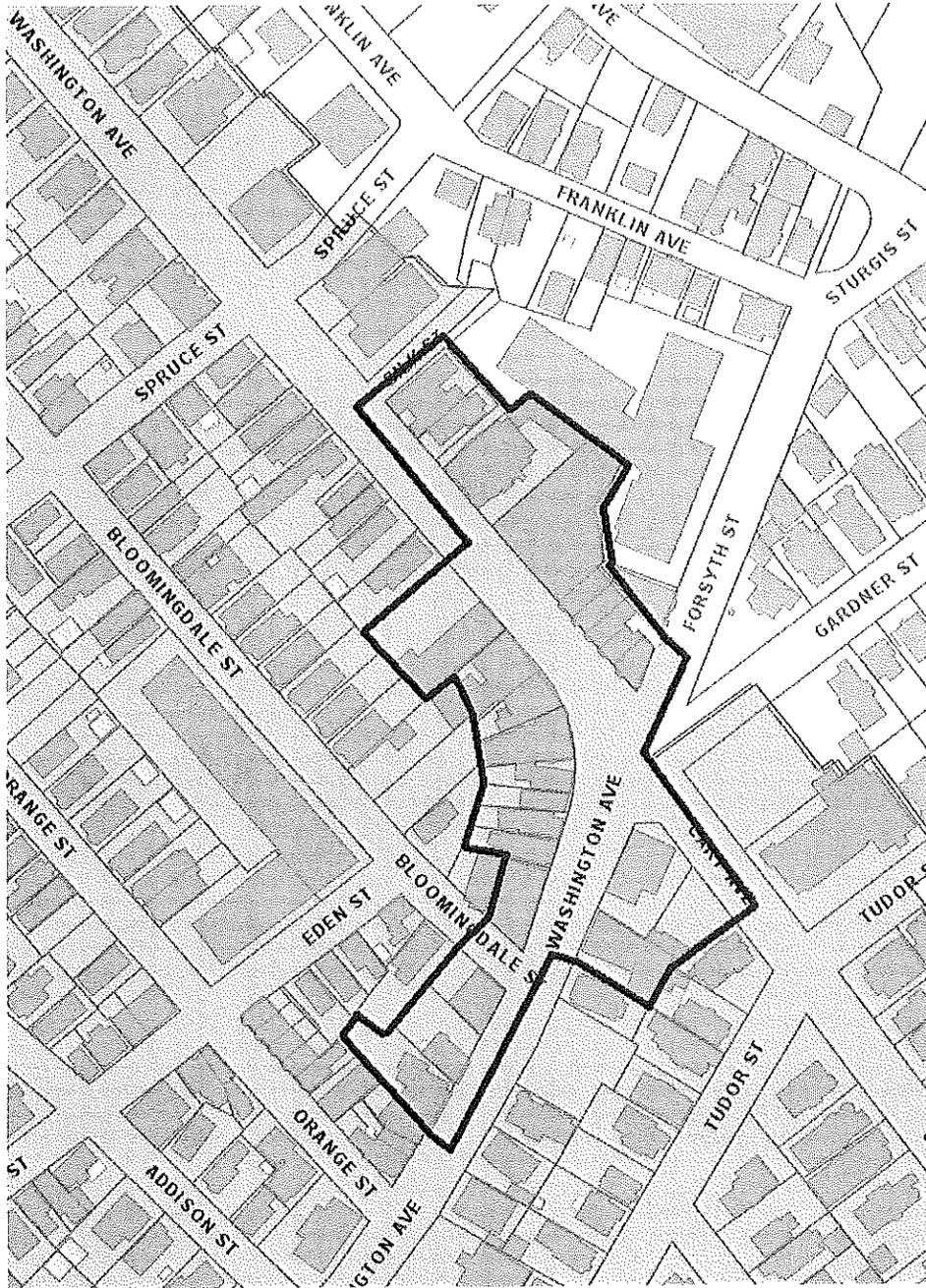
Changing subsection (c)(5) to read as follows: Vehicles for hire or return vehicles for hire

SECTION 15

That Chapter 34, Article II Zoning Districts, Section 34-29 and the accompanying Zoning Map be amended by changing the zoning district for the following parcels in Cary Square to Retail Business 2 (BR 2).

57-46	150 Washington Avenue
57-47	156 Washington Avenue
57-48	158 Washington Avenue
57-49	160 Washington Avenue
57-50	162 Washington Avenue
57-51	164 Washington Avenue
57-52	168 Washington Avenue
57-53	172 Washington Avenue
57-54	178 Washington Avenue
57-67	191-195 Washington Avenue
57-69	189 Washington Avenue
57-70	185 Washington Avenue
57-71	183 Washington Avenue

57-72	181 Washington Avenue
57-73	179 Washington Avenue
57-74	177 Washington Avenue
57-75	175 Washington Avenue
57-76	173 Washington Avenue
57-78	10 Forsyth St. (a portion)
57-146	5 Cary Avenue
57-147	157 Washington Avenue
57-148	151 Washington Avenue
57-156	132 Washington Avenue
57-157	138 Washington Avenue
57-158	144 Washington Avenue



SECTION 17

That Chapter 34, Article II Zoning Districts, Section 34-29 and the accompanying Zoning Map be amended by changing the zoning district for the following parcels in Prattville to Retail Business 2 (BR 2).

79-3	350 Washington Avenue
79-5	354 Washington Avenue
79-18	360 Washington Avenue
79-19	364 Washington Avenue
79-20	6 Hancock Street
79-35	389 Washington Avenue
79-36	383 Washington Avenue

79-37	381 Washington Avenue
79-38	373 Washington Avenue
79-39	369 Washington Avenue
79-40	365 Washington Avenue
79-41	357 Washington Avenue
79-82	353 Washington Avenue

